

SB 1001 – [E] – department of child safety

Provides the statutory framework for DCS; makes transfers of, repeals and clarifies current language.

- Adds Chapter 4 to Title 8 establishing DCS.

Purpose of DCS

- States the primary purpose of DCS is to protect children. To achieve this purpose, DCS must do and focus equally on the following:
 - Investigate reports of child abuse or neglect.
 - Assess, promote and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect.
 - Work cooperatively with law enforcement regarding reports that include criminal conduct allegations.
 - Without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family and provide prevention, intervention and treatment services as provided by law.

Powers and Duties of the Director

- Requires the governor to appoint the director of DCS (Director) who serves at the governor's pleasure.
- Specifies that, at a minimum, the Director must have:
 - Administrative experience in the protection of children from maltreatment and in family support services.
 - Qualifications and training that enable the Director to manage the affairs of DCS.
- Allows the Director to receive compensation.
- Mandates that the Director:
 - Carry out the purposes of DCS.
 - Provide transparency by being open and accountable to the public for the actions of DCS.
 - Develop a data system that enables persons and entities that are charged with a responsibility relating to child safety to access all relevant information relating to an abused, neglected or abandoned child.
 - Employ Deputy Directors and other key personnel based on qualifications that are prescribed by the Director.
 - Adopt rules for DCS and the duties and powers of the Director.
 - Petition for the appointment of a guardian or temporary guardian (guardian) for children who are in the custody of DCS pursuant to court order. Persons applying to be guardians must be fingerprinted and any foster parent or certified adoptive parent already fingerprinted is not required to be fingerprinted again if they are applying to be the guardian.
 - Cooperate with other agencies of the state, county and municipal agencies, faith-based organizations and community social service agencies.
 - Exchange information and cooperate with DES for the administration of DES' programs.
 - Administer child welfare activities including:
 - ❖ Cross-jurisdictional placement of children.
 - ❖ Providing for the cost of:
 - Children who are in temporary custody, are the subject of a dependency petition or are adjudicated by the court as dependent and who are in out-of-home placement, except state institutions.
 - Children who are voluntarily placed in out-of-home placement.

- Children who are the subject of a dependency petition or are adjudicated dependent and are in the custody of DCS and ordered by the court to reside in an independent living program.
- ❖ Providing services for children placed in adoption.
- Formulate policies, plans and programs to effectuate the missions and purposes of DCS.
- Contract with and incur obligations within the general scope of its activities and operations, subject to the availability of funds.
- Coordinate and contract with or assist other departments, agencies and institutions of this state and local and federal governments in the furtherance of DCS' purposes, objectives and programs.
- Accept and disburse grants, matching funds and direct payments from public or private agencies for the conduct of programs that are consistent with the overall purposes and objectives of DCS.
- Collect monies owed to DCS.
- Act as an agent of the federal government in furtherance of DCS' functions.
- Carry on research and compile statistics relating to the child welfare program throughout the state.
- Cooperate with the superior court in all matters related to Title 8 and Title 13 of A.R.S.
- Provide the cost of care and transitional independent living services for a person under 21 years of age.
- Ensure that all criminal conduct allegations and reports of imminent risk of harm are investigated.
- Ensure DCS' compliance with the Indian Child Welfare Act.
- Strengthen relationships with the tribal child protection agencies or programs.
- Allows the Director to:
 - Take administrative action to improve the efficiency of DCS.
 - Contract with a private entity to provide any functions or services.
 - Apply for, accept, receive and expend public and private gifts or grants of money or property on the terms and conditions as may be imposed by the donor.
 - Reimburse DCS volunteers designated by the Director, for expenses in transporting clients of DCS on official business. Volunteers reimbursed for expenses are not eligible for Workers' Compensation.

DCS Responsibilities

- Requires DCS to administer:
 - Individual and family services, including services to children, youth and adults and other related functions in furtherance of social services programs under the Social Security Act.
 - Grants to states for aid and services to needy families with children and other related federal acts and for child-welfare services.
- States that if DCS has responsibility for the care, custody or control of a child or is paying the costs of care for a child, DCS may serve as the representative payee to receive and administer Social Security and Veterans Administration benefits and other benefits payable to the child. DCS:
 - Must deposit any monies it receives to be retained separate and apart from the state general fund on the books of ADOA.
 - May use these monies to defray the cost of care and services expended by DCS for the benefit, welfare and best interests of the child and invest any monies the Director determines are not necessary for immediate use.

- Must maintain separate records to account for the receipt, investment and disposition of monies received for each child.
- On termination of DCS' responsibility for the child, DCS must release any monies remaining to the child's credit in accordance with the requirements of the funding source or, in the absence of any requirements, must release the remaining monies to:
 - ❖ The child, if the child is at least 18 years of age or is emancipated.
 - ❖ The person who is responsible for the child if the child is a minor and not emancipated.
- Stipulates the provisions noted directly above do not apply to benefits that are payable to or for the benefit of a child receiving services under Title 36.
- Provides that a state or local governmental agency or a private entity is not subject to civil liability for the disclosure of information made in good faith to DCS.
- Allows DCS to employ legal counsel to provide legal advice to the Director. The AG must represent DCS in any administrative or judicial proceeding.
- States that the total amount of state monies that may be spent in any FY by DCS for foster care must not exceed the amount appropriated or authorized for that purpose.

DCS Organization

- Mandates that the Director organize DCS to best implement the following functions:
 - Receiving, analyzing and efficiently responding to reports of possible abuse or neglect.
 - Appropriately investigating the reports whether or not they involve criminal conduct allegations.
 - Coordinating services necessary for the child or the child's family.
 - Overseeing adoption and foster care.
 - Reviewing and reporting the actions of DCS to ensure that they comply with statute and the rules and policies of DCS and reporting significant violations.
- Requires the Director to employ:
 - A chief of the Office of Child Welfare Investigations (OCWI), who reports directly to the Director.
 - An Inspector General who is the head of the Inspections Bureau (Bureau) and reports directly to the Director.
 - Administrators who are the heads of the other bureaus of DCS and may report directly to the Deputy Director.

Centralized Intake Hotline (Hotline)

- Directs DCS to operate and maintain a Hotline to protect children by receiving at all times communications concerning suspected abuse or neglect. If a person communicates suspected abuse or neglect to a DCS employee other than through the Hotline, the employee must refer the person or communication to the Hotline.
- Specifies that the Hotline is the first step in the safety assessment and investigation process and must be operated to:
 - Record communications made concerning suspected abuse or neglect.
 - Immediately take steps necessary to identify and locate prior communications and reports for investigation related to the current communication using DCS' data system and the Central Registry System.
 - Quickly and efficiently provide information to a law enforcement agency or prepare a report for investigation.
 - Determine the proper initial priority level of investigation based on the risk assessment and direct the report for investigation to the appropriate part of DCS.

- Prescribes that if a communication provides a reason to believe that a criminal offense has been committed, the hotline worker must immediately provide the information to both the appropriate law enforcement agency and OCWI, if appropriate.
- Instructs a Hotline worker to prepare a report for investigation if all of the following are alleged:
 - The suspected conduct would constitute abuse or neglect.
 - The suspected victim of the conduct is under 18 years of age.
 - The suspected victim of the conduct is a resident of or present in Arizona or any act involved in the suspected abuse or neglect occurred in Arizona.
 - The person suspected of committing the abuse or neglect is the parent, guardian or custodian of the victim or an adult member of the victim's household.
- Requires all reports for investigation to be investigated.
- States that information must be provided to the appropriate law enforcement agency or a report for investigation must be prepared even if the identity or location of the person suspected of abuse or neglect or the victim of abuse or neglect is not known.
- Requires DCS to develop and train Hotline workers to use uniform risk assessment tools to determine:
 - Whether the suspected conduct constitutes abuse or neglect and its severity.
 - If the suspected abuse or neglect involves criminal conduct, even if the communication does not result in the preparation of a report for investigation.
 - Referral to the appropriate investigative track based on the risk to the child's safety.
- Mandates that a report for investigation include, if available, all of the following:
 - The name, address or contact information for the person making the communication.
 - The name, address and other location or contact information for the parent, guardian or custodian of the child or other adult member of the child's household who is suspected of committing the abuse or neglect.
 - The name, address and other location or contact information for the child.
 - The nature and extent of the indications of the child's abuse or neglect, including any indication of physical injury.
 - Any information regarding possible prior abuse or neglect, including reference to any communication or report for investigation involving the child, the child's siblings or the person suspected of abuse or neglect.
- Stipulates that information gathered through the Hotline must be made available to an employee of DCS in order to perform the employee's duties.
- Prescribes that OCWI and the Bureau have immediate access to all Hotline records and requires that a representative of OCWI and the Bureau be embedded in the Hotline.
- Specifies that DCS must publicize the availability and purposes of the Hotline.
- Defines *centralized intake hotline*.

Investigative Function

- Requires DCS to train all investigators in forensic interviewing and processes and the protocols related to initial screening and safety assessment. The training must include:
 - Uniform safety and risk assessment tools to determine whether the conduct constitutes abuse or neglect and its severity.
 - The duty to protect the legal and due process rights of children and families from the time of the initial contact through case closure.

- Instruction on a child's rights as a victim of crime and instruction on the legal rights of parents.
- A checklist or other mechanism to assist the investigator in giving consideration of the relevant factors in each investigation.
- Directs OCWI to investigate reports for investigation that contain a criminal conduct allegation.
- States that after receipt of a report for investigation from the Hotline, an investigator must do all of the following:
 - Make a prompt and thorough investigation. An investigation must evaluate and determine the nature, extent and cause of any condition created by the parents, guardian or custodian or adult member of the victim's household that would tend to support or refute the allegation that the child is a victim of abuse or neglect and determine the name, age and condition of other children in the home. If an investigator has sufficient information to determine that the child is not a victim of abuse or neglect, the investigator may close the case.
 - If necessary, take a child into temporary custody. Law enforcement officers must cooperate with DCS to remove a child from the custody of the child's parents, guardian or custodian when necessary.
- States that after an investigation, an investigator must:
 - Determine whether any child is in need of child safety services.
 - If appropriate, offer to the family of any child who is found to be a child in need of child safety services those services that are designed to correct unresolved problems that would indicate a reason to adjudicate the child dependent.
 - Submit a written report of the investigator's investigation to:
 - ❖ The DCS' case management information system within a reasonable amount of time that does not exceed 45 days after receipt of the report for investigation. If the investigation involves allegations regarding a child who at the time of the alleged incident was in the custody of a child welfare agency licensed by DCS, a copy of the report and any additional investigative or other related reports must be provided to the BOD of the Agency or to the Administrative Head of the Agency unless the incident is alleged to have been committed by the person. DCS must excise all information with regard to the identity of the source of the reports.
 - ❖ The appropriate court, 48 hours prior to a dependency hearing or within 21 days after a petition of dependency is filed, whichever is earlier and on receipt of the report, must make the report available to all parties and counsel.
 - Accept a child into voluntary placement.
 - Identify, promptly obtain and abide by court orders that restrict or deny custody, visitation or contact by a parent or other person in the home with the child and notify appropriate personnel in DCS to preclude violations of a court order in the provision of any services.
- Directs, if the investigator is made aware that an allegation of abuse or neglect may have been made in another state, the investigator to contact the appropriate agency in that state to attempt to determine the outcome of any investigation of that allegation.
- Stipulates that if an investigation indicates a reason to believe that a criminal offense has been committed, the investigator must immediately provide the information to the appropriate law enforcement agency and OCWI.
- Defines *investigator*.

Service Coordination Function

- Permits DCS to arrange, provide and coordinate programs and services that protect children, including programs and services that achieve and maintain permanency on behalf of the child, strengthen the family and provide prevention, intervention and treatment for abused and neglected children.
- Specifies that if a child and the child's family require assistance from DCS, all of the following apply:
 - The health and safety of the child is the primary concern.
 - Reasonable efforts must be made to provide the assistance in the method that is least intrusive and least restrictive to the family and consistent with the needs of the child.
 - Reasonable efforts must be made to deliver the assistance in a culturally appropriate manner and as close as possible to the home community of the child or family requiring assistance.
- States that in addition to the requirements of federal law, the case plan must:
 - Set appropriate time limits on the services provided.
 - Clearly describe the actions DCS may pursue if the family:
 - ❖ Participates in the services outlined in the case plan and does what is required for the child to be safe in the home.
 - ❖ Does not participate in the services outlined in the case plan and does not make the changes required for the child to be safe in the home.
- Requires DCS to establish procedures to ensure that services have been initiated as scheduled, are appropriate and satisfactory.
- Provides that in determining if a case should be open for ongoing services, DCS must consider as the primary factors if there exists a present or future risk of harm to any child in the family and if services can mitigate the identified risks. Based on the investigation of the case and the results of the risk assessment, DCS must determine whether to close the case, offer voluntary child safety services or open a case for ongoing services.
- Specifies that if a case will be open for ongoing services, DCS must determine if the services are to be provided in one of the following ways:
 - Through a voluntary agreement with DCS.
 - Pursuant to a petition for in-home intervention.
 - Pursuant to a petition for in-home or out-of-home dependence.

Inspections Bureau

- Requires the Director to establish a Bureau to ensure that DCS policies and procedures are being followed by all staff in accordance with federal and state law and promptly notify the Director of actions that constitute a significant violation of policy, state or federal law.
- Mandates the Bureau monitor specific programs and services to continuously improve the practices of DCS. Monitoring and evaluation:
 - May be formal audits, various levels of inspections, program evaluation and any other quality assurance activity deemed appropriate by the Director.
 - Must include suggestions for policy changes and evaluation of best practices and programming.
- Requires DCS to create a quality assurance process and methodology by which data-based decisions are made. The process must include consistently measuring process outcomes and examining current practices through quality assurance activities. DCS must use this quality assurance data to establish appropriate programs and improve practices within DCS.

- States, if possible, the Bureau must attempt to correct the problems at the immediate level by coaching, mentoring and teaching employees who are present during the inspection.
- Mandates that the Bureau have access to all records and information of DCS.

Community Advisory Committee (Advisory Committee)

- Establishes the Advisory Committee to provide a community forum:
 - To inform DCS, analyze current law and policy and make recommendations to improve the ability of DCS to increase the safety of children, respond to child maltreatment and ensure the well-being and timely permanency for children involved in the child welfare system.
 - For collaboration among state, local, community, tribal, public and private stakeholders in child welfare programs and services that are administered by DCS.
 - To improve communication between mandatory reporters and DCS.
- Outlines the membership of the Advisory Committee, who are appointed by and serve at the pleasure of the Director. The 14 members consist of:
 - Child welfare agencies that directly provide contracted services to children and their families.
 - Child advocacy organizations that deal with child welfare system policy issues.
 - Current or former foster or adoptive parents.
 - Medical providers, with a preference for pediatricians, who have experience in diagnosing and treating injuries related to abuse and neglect.
 - Volunteers with the Foster Care Review Board or Court Appointed Special Advocate Program.
 - Persons with an academic appointment to a state university who conduct research in child welfare services, child maltreatment or child abuse or neglect.
 - The courts and the representative must be involved with child welfare issues.
 - A rural area in this state with experience in the child welfare system.
 - A Native American tribe or nation who has experience in the child welfare system.
 - A child advocacy organization that advocates for or represents children who are victims of crime.
 - Persons who have experience with children with special needs.
 - A law enforcement agency.
 - Schools with experience in the child welfare system.
 - A faith-based organization with experience in the child welfare system.
- Specifies that members of the Advisory Committee are not eligible to receive compensation.
- Requires the Advisory Committee to meet at least quarterly, file an annual report by April 15 with the Director, which must be posted on the website.
- Sunsets the Advisory Committee on July 1, 2024.

Acquisition of Lands and Buildings

- Allows the Director to acquire for and in the name of this state by gift, grant, lease, lease-purchase agreement or otherwise, lands or buildings for the purpose of providing office space for DCS at places the Director finds necessary and suitable, with the prior approval of the JCCR and an appropriation for the acquisition.
- Requires that a lease-purchase agreement relating to land acquisition, capital projects, energy systems or energy management systems must provide that:
 - The obligation of this state to make any payment under the agreement is a current expense of DCS, payable exclusively from appropriated monies and is not a general obligation indebtedness of this state or DCS.

- If the Legislature fails to appropriate monies or DCS fails to allocate appropriate monies for any periodic payment or renewal term of the agreement, the agreement terminates at the end of the current term and this state and DCS are relieved of any subsequent obligation under the agreement.
- The agreement must be reviewed and approved by the AG, the director of ADOA and JCCR before the agreement takes effect.
- Allows DCS to use its best efforts to budget, obtain, allocate and maintain sufficient appropriated monies to make payments under a lease-purchase agreement but the agreement must acknowledge that appropriating state monies is a legislative act and is beyond the control of DCS or any other party to the agreement.
- Requires a lease-purchase agreement to be submitted to the following entities:
 - The AG to review for compliance with the constitution and laws of this state. If the AG's opinion is that the agreement complies with the constitution and the laws, the AG must append certification to the agreement, return it to DCS and transmit a copy to JCCR. On request by the Director, the AG may give other opinions relating to the agreement.
 - The director of ADOA to review for compliance with the laws of this state. If in the Director's opinion the agreement complies with the laws of the state, the Director must append their certification to the agreement, return it to DCS and transmit a copy to JCCR.
- Allows the Director to lease or sublease to others at fair rental value any land or building and to lease or sublease any building on other terms or conditions if the lessee is a state entity or political subdivision. All net lease income must be credited to DCS' occupancy appropriation.
- Specifies that a lease or sublease to others is exempt from the prohibition regarding state competition with private enterprises and is exempt from the procurement code. The Director may prioritize lease or sublease tenants based on the needs of DCS and in the public interest with preference given to the following in the order provided:
 - State entities.
 - Political subdivisions.
 - Community partners.
- Permits DCS to pay or advance gross initial and routine lease and sublease related expenditures. The gross initial and routine expenditures that are paid or advanced must be reimbursed to DCS before the net lease income is credited to DCS' occupancy appropriation.

Child Safety Collections

- Specifies that if DCS pays money to or for the benefit of a dependent child or for foster care maintenance, DCS may collect that assistance from a person who is legally responsible for the child's support and who is able to reimburse DCS.
- Requires DCS, through the AG or County Attorney to proceed in the following order against:
 - The spouse of a recipient.
 - The former spouse of a recipient.
 - A parent not receiving public assistance.
 - Any other legally responsible person.
- Allows DCS to recover support incorrectly paid, because of an overpayment or ineligibility. DCS must deposit monies recovered in the Child Safety Collections Fund (Fund).

- Stipulates that on request of DCS, the AG or County Attorney must commence an action in the superior court in the county where the recipient resides or in the superior court in Maricopa County to recover the assistance granted and to require payment of amounts that become due in the future.
- Establishes the Fund, administered by DCS:
 - Subject to legislative appropriation, requires Fund monies be used to improve public assistance collection activities.
 - Twenty-five percent (25%) of assistance collected must be deposited in the Fund and seventy-five percent (75%) in the state general fund.
 - Fifty percent (50%) of the monies received from the support collection technology contracts must be deposited in the Fund and fifty percent (50%) in the state general fund.
- Defines *public assistance*.

Family Assessment Protocols

- Requires DCS to examine the necessity of requirements for protocols for not conducting a full investigation, but taking measures to prevent future risk of harm to the child in cases not involving criminal conduct and in which the child is currently safe.
- Requires DCS to seek input from the Oversight Committee and hold public meetings to obtain community comment on any recommended protocols.
- Requires DCS to report its recommendations concerning the protocols and any suggested legislation to the Legislature on or before December 31, 2014.

External Review and Recommendations

- Requires the OAG to engage an independent consultant with expertise in child welfare system planning and operations to examine the current child safety system and consider best practices to improve the delivery of services in Arizona and to provide consultation on the effective establishment of the new DCS with a focus on implementation challenges, including the following:
 - Developing a strategic direction that ensures child safety and establishes protocols for services after an investigation.
 - Creating accountability mechanisms, including the capacity to produce accurate data on performance and outcome measures, use of the data for performance management, processes for continuous quality review, mechanisms for qualitative review of system functioning and outcomes for children, youth and families.
 - Strategies for community engagement, including engagement with families, youth and service providers.
 - The need for and frequency of regular, periodic performance evaluations and the recommended areas for future reviews of DCS by an independent outside evaluator.
- Outlines the requirements for the OAG to consider in its decision to contract with an independent consultant.
- States that the consultant must submit a report on or before July 1, 2015.

Child Welfare Reports

- Requires the directors of the JLBC, OSPB and DCS to report on or before September 1, 2016, recommendations for consolidating numerous reports currently required by law into one comprehensive report.
- Specifies that the above directors may solicit input from stakeholder groups, including the Community Advisory Committee.

- Requires the report to address the merit of adding the following accountability factors:
 - The average duration of time from when a child enters emergency and residential placement to the initial court case associated with that child.
 - The number of children moved from emergency and residential placement to foster care, delineated by major age groupings.
 - The number of DCS staff hired or leaving by type, specifically the case workers' classification level from one to four.
 - The number of new and closed foster care receiving homes, including the total available placements by age groupings of infants, children who are one to five years of age, children who are six to twelve years of age and teen children who are twelve through eighteen years of age.
 - Cohort and behavioral health data.
 - The number and percentage of cases in which the substance abuse of a parent or guardian of a child is a significant factor in the abuse, neglect or dependency of the child.
 - Appropriate outcome measures to assess the effectiveness and efficiency of OCWI.

Transfer of Statutes to DCS

- Transfers current Title 8 statutes as required for the establishment of DCS.

CURRENT STATUTE	NEW STATUTE
Title 8 – Chapter/Article	Title 8 Chapter 4
	Title 8, Ch. 4, Art. 1 – General Provisions
	Title 8, Ch. 4, Art. 2 – Criminal Conduct Allegation Investigations
Ch. 5/1 – Child Welfare and Placement	Title 8, Ch. 4, Art. 4
Ch. 5/2 – Termination of Parent Child Relationship	Title 8, Ch. 4, Art. 5
Ch. 5/4 – Interstate Compact	Title 8, Ch. 4, Art. 6
Ch. 5/5 – Funding of Child Abuse/Prevention	Title 8, Ch. 4, Art. 7
Ch. 6 – Children’s Camps	Title 36, Ch. 39, Art. 1 (DHS)
Ch. 7 – Legitimacy of Children	Title 25, Ch. 10, Art. 1
Ch. 8/1 – Intervention Programs for Infants and Toddler	Title 41, Ch. 14, Art. 5 (DES)
Ch. 9/1 – Healthy Families Program	Title 8, Ch. 4, Art. 3
Ch. 10/1 – Dependent Children	Title 8, Ch. 4, Art. 8
Ch. 10/2 – Removal of Child	Title 8, Ch. 4, Art. 9
Ch. 10/3 – Dependency Determination and Disposition	Title 8, Ch. 4, Art. 10
Ch. 10/4 – Permanency Determination	Title 8, Ch. 4, Art. 11
Ch. 10/5 – Permanent Guardianship	Title 8, Ch. 4, Art. 12
Ch. 10/6 – Substance Abuse and Treatment	Title 8, Ch. 4, Art. 13
Ch. 10/7 – In-home Intervention	Title 8, Ch. 4, Art. 14

Miscellaneous

- Updates references of DES to DCS.
- Changes *child protection services worker* to *child safety worker* throughout the statutes.
- Transfers A.R.S. § 41-1969.01 (OCWI) to Title 8 and further amends the statute to:
 - State that the duties of OCWI include coordinating with other parts of DCS.

- Clarify that each person hired by OCWI is an employee of DCS and subject to the State Personnel System.
- Adds, in addition to other training requirements for a child welfare investigator, training on the impact and intervention practices related to adverse childhood experiences, culturally and linguistically appropriate service delivery, domestic violence, family engagement, communication with special populations and trauma informed responses.
- Allows OCWI to have access to all records and information of DCS.
- Requires OCWI to submit a report by August 15 each year to the governor, the Legislature and the SOS that must include the following for the most recently completed fiscal year:
 - The number of reports for investigation that involve criminal conduct allegations.
 - The number of joint investigations conducted.
 - For each case in which a joint investigation did not occur, the reasons why.
- States that all child safety workers must be trained in the impact and intervention practices related to adverse childhood experiences, culturally and linguistically appropriate service delivery, domestic violence, family engagement, communication with special populations and trauma informed responses.
- Requires all child safety workers to cooperate and coordinate with OCWI and the Bureau and further, all child welfare investigation workers and Bureau workers must cooperate and coordinate with the rest of DCS.
- Allows any additional representatives of DCS, if requested by DCS, to be present at the preliminary protective hearing, in addition to the child safety worker.
- Requires, in addition to other current factors, if the court finds by clear and convincing evidence that the following factors exist then the court must consider the following factors in determining if reunification services will not be required:
 - That the parent or guardian committed an act constituting a dangerous crime against a child or caused a child to suffer serious physical injury or emotional injury or knew or should have known that another person was abusing the child (aggravating circumstance).
 - The parent or guardian has been convicted of a dangerous crime against a child.
 - Any criminal prosecution relating to the offenses that led to the child's removal from the home and must abide by any orders of the criminal court.
- Adds DCS as a member of the Child Fatality Review Team and the Board of Fingerprinting.
- Repeals the following statutes:
 - A.R.S. § 8-800 relating to the purpose of CPS.
 - A.R.S. § 8-502 referencing DES as the administrator of child welfare and placement.
 - A.R.S. § 8-550 relating to a definition section for DES.
 - A.R.S. §§ 8-802, 41-619.51, 41-1005, 41-1758 and 41-1969.01 (double enactments from 2013).
 - A.R.S. § 8-809 relating to the Child Welfare Mediation Program.
 - A.R.S. § 8-1001 relating to the Family Group Decision Making.
- Allows DCS to maintain a substantiated report of child abuse or neglect on the Central Registry for less than 25 years and DCS must adopt rules to designate the length of time it must maintain those reports on the Central Registry.
- Requires DES to exchange information and cooperate with DCS for the administration of the DCS' programs.

- States the procurement code procedures do not apply to contracts entered into by DCS with a provider of family foster care or an eligible entity for designated community services block grant program monies and any other monies given to the eligible entity.
- Exempts DCS from the restrictions on competition with private enterprises for the purpose of:
 - The lease or sublease of lands or buildings by DCS.
 - Agreements executed by DCS with other states to design, develop, install and operate collection technology systems and related services. DCS must deposit any monies collected in the Fund.
- Contains a sunset date of July 1, 2024 for DCS.
- Allows DCS to provide special housing assistance in the form of vendor payments to achieve permanency for children who are involved in open child protective services cases and allows DCS to adopt rules for this purpose.
- Clarifies that DCS' employees, contractors and licensees are subject to criminal record information checks and fingerprinting.
- Renames the *Child Protective Services Oversight Committee* the *Child Safety Oversight Committee* (Oversight Committee). Replaces the DES member with a DCS member. Adds one member who represents a Native American tribe or nation who is appointed by the President of the Senate. Changes the reporting date from December 15, 2014 to December 15, 2015 and requires the Oversight Committee to make recommendations on the membership and duties of any future legislative committee to oversee DCS.
- Contains a succession clause.
- Provides DCS an 18-month exemption from the rule making provisions for purposes related to this act except that at least 30 days before a rule is adopted or amended DCS must provide notice to the Legislature, public notice and an opportunity for public comment on any proposed rules in writing and at two or more public hearings. DCS must post the proposed rules on the website.
 - This exemption does not apply to the provisions related to adopting rules regarding the length of time a report must be maintained on the Central Registry (A.R.S. § 8-804 E).
- Provides DES with a one year exemption from the rule making requirements for purposes related to this act to make only those amendments to DES' rules necessitated by the transfer of CPS to DCS. DES must provide notice to the Legislature, public notice and an opportunity for public comment on any proposed rules in writing and at two or more public hearings at least 30 days before a rule is adopted or amended. DES must post the proposed rules on the website.
- Conveys the land and building located at 1717 W. Jefferson from DES to DCS. States DES must convey ownership of other land and buildings as deemed appropriate to DCS. Requires DES and DCS to submit a joint report to JCCR listing all land and buildings owned by DES in which DCS is present and their recommendation as to which agency should receive ownership. JCCR must review and approve the report and any transfers of ownership by January 1, 2015.
- Defines *criminal conduct allegation* and adds this definition to Title 8, *department, division, director and report for investigation*.

SB 1002 – appropriations; department of child safety

Repeals the existing FY 2015 DES budget needed to enact separate line-item budgets for DCS and DES.

FY 2015 DCS Budget and Appropriations

- Establishes a separate FY 2015 line-item budget for DCS and transfers \$726M in existing DCSFS resources and transfers \$66M in existing DES Non-DCSFS funding to DCS.
- Appropriates total FY 2015 funding of \$833,974,300 and 3,045.1 FTE positions to DCS. That amount consists of \$347M from the GF and \$487M from other appropriated and non-appropriated funds.
- Adds additional FY 2015 resources to DCS as follows:

Summary of Changes	Fund Source	Comments	Additional FY 2015 Changes
Backlog – Action Determination	GF		\$246,500
Backlog – Investigations/Overtime	GF		4,218,500
Backlog – Out-of-Home Care Placements	GF		6,815,900
Backlog – Out-of-Home Care Services	GF		7,620,300
Backlog – In-Home Care Services	GF		4,173,100
Caseworkers and Support Staff	GF	94 FTEs	6,222,500
Caseworker Retention	GF	\$1,000 after 18 months \$3,000 after 36 months	1,707,000
ASU Joint Training	GF		150,000
Emergency and Residential Placement	GF	Makes \$4M available for childcare funding	4,000,000
Internet Crimes Against Children	GF		350,000
OCWI Staff	GF	73 FTEs	5,282,500
Inspections Bureau	GF	31 FTEs	2,748,400
Backlog – Out-of-Home Care Placements	OF	FEA	2,787,700
Backlog – Out-of-Home Care Services	OF	FEA	3,116,600
Caseworkers and Support Staff	OF	FEA	1,197,900
OCWI Staff	OF	FEA	800,000

- Transfers various footnotes and reporting requirements from DES/DCSFS to DCS.
- Eliminates the footnote relating to contingency funding since those funds have been moved to the Emergency and Residential Treatment Line Item.

- Includes a footnote stating that the caseworker retention payment monies shall be used for one-time payments to caseworkers and requires DCS to report to JLBC on the retention payments by June 7, 2015.
- Adds a footnote requiring DCS to submit an expenditure report to JLBC on the internet crimes against children appropriation by September 30, 2014.
- Adds a footnote stating that the appropriation for the Office of Child Welfare Investigations (OCWI) is solely for the costs of employees directly hired by OCWI and requires OCWI to submit a report to the director of JLBC at least 30-days prior to transferring any monies into or out of the OCWI Line Item.
- Adds a footnote defining *backlog* and *backlog cases*.
- Outlines any FYs 2016 and 2017 estimated costs for various items of appropriation related to the backlog.
- Adds a footnote requiring DCS, by June 16, 2014, to submit a quarterly report to JLBC for review on proposed quarterly benchmarks for FY 2015 for assessing progress on increasing filled FTE positions and reducing the number of backlog payments, including an expenditure plan.
- Includes a footnote requiring DCS, by September 30, 2014 through June 30, 2016, to submit a quarterly report to JLBC for review on the progress made on filling FTE positions and reducing the number of backlog cases as outlined in the June 16 report.
- Outlines additional items that the quarterly report must include.
- Inserts a footnote stating that if DCS is unable report the actual expenditures for the backlog cases, then DCS must report on short-term methods to improve cost accounting for individual child welfare cases prior to full implementation of upgrades to the Children's Information Library and Data Source (CHILDS) as part of the September 30, 2014 quarterly report.
- Requires DCS to issue a RFI to interested vendors on using private entities to investigate backlogged cases once the initial determination is made of whether investigation is required. Mandates that the RFI results be reported to JLBC as part of the September 30, 2014 quarterly report.
- Requires DCS to report to various entities the total number of filled FTE positions beginning on the seventh day of the month following the effective date of this act and each seventh day of the month thereafter, through June 30, 2015.

FYs 2014 and 2015 DES Budget and Appropriations

- Enacts a FY 2015 Budget for DES minus the amounts transferred to DCS.
- Includes total FY 2015 funding of \$1,546,698,200 and 3,882.6 FTE positions for DES. This amount consists of \$457.4M from the GF and \$1.1B from other appropriated and non-appropriated funds.
- Eliminates and modifies various DES footnotes to reflect funding changes and transfers to DCS.
- Adds a footnote containing legislative intent that the number of low-income child care authorizations be maintained throughout the year at a minimum of 8,500 and priority shall be given to special circumstance cases.

- Includes a FY 2014 supplemental appropriation to DES/DCSFS in the amount of \$5,050,000 from the GF for Emergency and Residential Treatment.

Payment Deferrals

- Adds \$3M from the GF in FY 2015 to reduce the DES payment deferral from \$35M to \$32M and allocates the remaining rollover amount between the two agencies as follows:
 - \$21M in DES
 - \$11M in DCS

Arizona Department of Administration (ADOA)

- Increases the enacted FY 2015 GF appropriation to ADOA for costs associated with establishing DCS and the relocation of the data center operating by DES from \$20M to \$25M and changes the JLBC approval of these funds to JLBC review.

Ombudsman

- Appropriates \$828,500 from the GF in FY 2015 to the Ombudsman for operating expenses (this is the same amount line-item vetoed from HB 2703).
- Exempts the appropriation from lapsing.
- Includes legislative intent that the Ombudsman prioritize the investigation and processing of complaints relating to DCS.

Auditor General

- Appropriates \$250,000 from the GF in FY 2015 to the Auditor General to engage an independent consultant with expertise in child welfare systems planning and operations to examine the current CPS system and consider best practices to improve the delivery of services and to provide consultation on the effective establishment of the new DCS focusing on implementation challenges.
- Exempts the appropriation from lapsing.

Miscellaneous

- Specifies that the sums set forth in this act are appropriated only for the specified FYs and from specified funding sources. If monies from the funding sources are unavailable, no other funding source may be used.